

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

537905
PCT/DE2003/004035



Applicant's or agent's file reference 2002P16790WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/004035	International filing date (day/month/year) 08 December 2003 (08.12.2003)	Priority date (day/month/year) 12 December 2002 (12.12.2002)	
International Patent Classification (IPC) or national classification and IPC F16H 49/00			
Applicant SIEMENS AKTIENGESELLSCHAFT			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 July 2004 (01.07.2004)	Date of completion of this report 30 June 2005 (30.06.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/004035

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-7 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-5 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____ 1/4-4/4 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16)

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/04035

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 5	YES
	Claims	1, 2, 4	NO
Inventive step (IS)	Claims	3, 5	YES
	Claims	1, 2, 4	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following search report citations:

- D1: DE 40 38 555 A
- D2: DE 195 20 555 A
- D3: CH 467 954 A
- D4: DE 101 25 322 A.

1. Novelty of claim 1

The present application does not meet the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel.

Document D1 discloses the following features in the wording of claim 1 (the references between parentheses relate to document D1):

A gearing having a fixed internal gear (1); a circular flexible spline (2) which engages the teeth of the internal gear (abstract), wherein the flexible spline has fewer teeth than the internal gear (abstract); and a rotatable wave generator (3) which via a follower gear wheel transmits a force to the flexible spline (figures 1

and 3), wherein a rotation of the wave generator results in a relative movement of the flexible spline in relation to the internal gear (column 2, lines 9-17), and wherein a mating gear (4) is provided and driving studs (6) are moulded to a face of the flexible spline which engage recesses in the mating gear (figures 1 and 2).

All the features of claim 1 are known and hence the subject matter of claim 1 is not novel.

2. Dependent claims 2-5

Dependent claims 2-5, which concern further embodiments of the invention according to claim 1, likewise do not meet the PCT requirements since the claim on which they are dependent does not meet these requirements. In addition, the features of the claims listed below appear to be known per se at least from the documents indicated and hence contain no essential measures which could in any way substantiate novelty or inventive step:

Claim 2: known from document D1 (figures 1 and 2);

Claim 4: known from document D1 (column 2, lines 41-49).

The subjects of claims 3 and 5 appear not to be known from or suggested by the available prior art.

3. Industrial applicability

The subject matter of claim 1 appears to meet the requirements of PCT Article 33(4) because it would appear that it can be made and used at least in the field of gear technology.

4. Observations

A typing error appears to have been made on page 4, line 29, of the description, which gives the reference sign 4 for the wave generator. The correct reference sign would be 3. This error was repeated in line 32 (PCT Rule 11.13(m)).

In figure 5 the reference signs "11" and "12" are not consistent with the other parts of the application (PCT Rule 11.13(m)).